



Docket No.: 19603/3306 (CRF D-2136B) *or appeal*

#17
Ex(3)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Collmer et al.
Serial No. : 09/597,513
Cnfrm. No. : 5828
Filed : June 20, 2000
For : DNA ENCODING *PSEUDOMONAS SYRINGAE* HYPERSENSITIVE RESPONSE ELICITOR AND ITS USE

Examiner:
A. Kubelik

Art Unit:
1638

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**NOTICE OF APPEAL
AND
REQUEST FOR THREE-MONTH EXTENSION OF TIME**

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202
BOX: AF

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the Primary Examiner's decision dated **June 17, 2002**, finally rejecting claims 1-10.

Applicants hereby request an extension of time of three months from the due date of **September 17, 2002**. Enclosed is a check to cover both the **\$460.00** extension of time fee and the **\$160.00** appeal fee.

Please charge any additional fees which may be required or credit any overpayment to Deposit Account No. 14-1138. A duplicate copy of this form is attached.

12/23/2002 CV0111 00000034 09597513

01 FC:2401
02 FC:2253

160.00 OP
460.00 OP

Respectfully submitted,

Dated: December 17 2002

Edwin V. Merkel
Registration No. 40,087

NIXON PEABODY LLP
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R651817.1

<p>Certificate of Mailing - 37 CFR 1.8(a)</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: U.S. Patent and Trademark Office P.O. Box 2327 Arlington, VA 22202, on the date below.</p> <p><i>12/17/02</i> <i>Wendy L. Barry</i></p>	
Date	Wendy L. Barry



PATENT
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~~AAF~~ 1600

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Sir:

Transmitted herewith in the above-identified application are:

- [X] Notice of Appeal and Request for Three-Month Extension of Time;
- [X] A check in the amount of **\$620.00** to cover the Notice of Appeal and extension of time fees; and
- [X] A self-addressed, prepaid postcard for acknowledging receipt.

[X] The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. **14-1138** .

A duplicate copy of this sheet is enclosed.

Date: December 17 2002

Edwin V. Merkel
Edwin V. Merkel
Registration No. 40,087

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Rochester, New York 14603
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12/17/02 *Wendy L. Barry*
Date Wendy L. Barry